



PUBLIC NOTICE

Federal Communications Commission
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**COMMON CARRIER BUREAU SEEKS COMMENT ON THE
STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
REQUEST FOR THE RELEASE OF A NEW AREA CODE TO PROVIDE
RELIEF FOR THE 716 NUMBERING PLAN AREA**

NSD File No. L-00-161
CC Docket 96-98

Pleading Cycle Established

COMMENTS: September 5, 2000

REPLY COMMENTS: September 20, 2000

In this Public Notice, the Common Carrier Bureau seeks comment on the request of the State of New York Department of Public Service (NYDPS) for the release of a new area code to provide relief for the 716 area code. The North American Numbering Plan Administrator (NANPA) has declined to release the relief code because the NYDPS did not adhere to the industry guidelines against splitting rate centers in area code relief planning.

The Telecommunications Act of 1996 gives the Federal Communications Commission (Commission) exclusive jurisdiction over the North American Numbering Plan (NANP) in the United States, but permits the Commission to delegate any portion of that jurisdiction to state regulatory commissions or other entities.¹ The Commission, recognizing that state commissions are uniquely positioned to understand local conditions and what effect new area codes will have on those conditions, has authorized the states to resolve many matters involving the implementation of new area codes, subject to the Commission's guidelines and rules governing administration of telephone numbers.²

The authority that the Commission delegated to the states includes determination of the boundaries of a new area code, the time frame during which the new area code is introduced, and

¹ 47 U.S.C. § 251(e)(1).

² See *Implementation of the Local Competition Provision of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19512-16 (1996) (*Local Competition Second Report and Order*).

the mechanism for introducing the new area code.³ Under Commission rules, states can introduce new area codes through the use of: (1) a geographic split, which occurs when the geographic area served by an area code is split into two or more geographic regions and one region maintains the old area code and one (or more) receive a new area code; (2) an area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the assignment of some central office codes from an area code in which central office codes remain unassigned to an area code in which few or no central office codes are left for assignment; or (3) an all-services area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code.⁴ The Commission's guidelines for area code implementation generally seek to ensure that administration of telephone numbers encourages the introduction of new telecommunications services, while not unduly favoring or disadvantaging certain segments of the telecommunications industry, certain types of services, or certain technologies. Moreover, the Common Carrier Bureau has urged state commissions to conform to the industry's area code relief planning guidelines, and will review any area code relief plan that is clearly outside the industry guidelines.⁵

In an Opinion and Order issued on May 22, 2000, the NYDPS ordered implementation of a geographic split of the existing 716 numbering plan area (NPA) along county boundaries.⁶ Because the relief plan would result in the splitting of approximately 14 rate centers between the old and the new NPAs, however, the NANPA determined that releasing the requested code would violate the industry's area code relief guidelines.⁷ Consequently, on June 12, 2000, the NANPA informed the NYDPS that its request for a new area code had been denied.⁸ On June 20, 2000, the NYDPS requested that the Commission direct the NANPA to release a new area code to provide relief for the 716 NPA.⁹

The New York plan, by dividing rate centers, requires existing carriers to obtain duplicate central office (CO) codes in each NPA in order to continue to serve existing customers in each half of the rate center without requiring those customers to change their seven-digit telephone numbers. This aspect of the plan does not conform with the industry's area code relief guidelines. The NYDPS states, however, that the impact of the rate center split is minimal. The NYDPS estimates that the division of these rate centers will necessitate the duplication of approximately 29 CO codes. In addition, the NYDPS has implemented thousands block pooling in the 716 NPA, already resulting in the preservation of 60 CO codes, and is engaged in CO code reclamation activities. Because of its aggressive pursuit of measures designed to optimize the use of numbering resources, the NYDPS contends that the guidelines should be administered flexibly to allow the 716 NPA split. Moreover, the NYDPS contends that its decision reflects

³ *Id.*

⁴ 47 C.F.R. § 52.19.

⁵ See Letter from Lawrence E. Strickling, Chief, Common Carrier Bureau, to Lawrence G. Malone, General Counsel, NYDPS, dated December 3, 1999.

⁶ *In the Matter of an Investigation of the Efficient Usage of Telephone Numbering Resources and Evaluation of the Options for Making Additional Central Office Codes and/or Area Codes Available in New York State*, Opinion and Order Directing a Geographic Split of the 716 NPA, Case 99-C-0800, Opinion No. 00-06 (May 22, 2000).

⁷ See Letter from Ronald R. Connors, Director, North American Numbering Plan Administration, to Janet Deixler, Secretary, NYDPS, dated June 12, 2000.

⁸ *Id.*

⁹ Letter from Lawrence G. Malone, General Counsel, NYDPS, to Lawrence E. Strickling, Chief, Common Carrier Bureau, dated June 20, 2000 (NYDPS Letter).

viewpoints not represented in the development of the industry's area code relief guidelines and, therefore, the Commission should defer to the decision of the NYDPS as consistent with the Commission's delegation of area code relief implementation to the states. We hereby seek comment on the NYDPS's request for the release of a new area code to provide relief for the 716 NPA, and on the NYDPS's assertion that its decision reflects viewpoints not represented in the industry guidelines development process. We also generally seek comment on the issue of splitting of rate centers, and on the inter-relationship between the area code relief authority delegated to state commissions and the industry area code relief guidelines regarding this issue.

We also seek comment on the tension between the policy against splitting rate centers in area code relief planning and rate center consolidation. Rate center consolidation involves creating larger geographic areas in which individual NXX codes can be used by consolidating or combining existing rate centers. Because carriers must obtain numbering resources in each rate center in which they wish to provide service, the Commission has encouraged state regulatory commissions to proceed as expeditiously as possible to consolidate rate centers.¹⁰ State commissions may consolidate rate centers without any additional delegation of authority from the Commission. Although we believe that rate center consolidations will assist in optimizing numbering resources, we understand that as state commissions consolidate rate centers it may become increasingly difficult to avoid rate center splits altogether. Thus, we seek comment on this issue.

A copy of the NYDPS Letter will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. Interested parties may file comments concerning this matter on or before **September 5, 2000**, and reply comments on or before **September 20, 2000**. All filings must reference **File No. NSD-L-00-161 and CC Docket 96-98**. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Al McCloud, Network Services Division, Portals II, 445 12th Street, S.W., Room 6A-320, Washington, D.C. 20554.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference **CC Docket No. 96-98** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Al McCloud, amccloud@fcc.gov, indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.¹¹ As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the

¹⁰ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19029 (1998) (*Pennsylvania Numbering Order*) recon. pending.

¹¹ See generally 47 C.F.R. §§ 1.1200-1.1216.

procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.¹²

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹³ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information contact Aaron Goldberger of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or agoldber@fcc.gov. The TTY number is (202) 418-0484.

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¹² 47 C.F.R. § 1.1206.

¹³ 47 C.F.R. § 1.1206(b)(2).